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Commission on Crime Prevention and Criminal Justice
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Vienna, 14–18 May 2018
Agenda item 6
Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice

Armenia, Belarus, Eritrea and Tajikistan: revised draft resolution

Preventing and combating trafficking in persons facilitated by the criminal misuse of information and communications technologies

The Commission on Crime Prevention and Criminal Justice,

Recalling General Assembly resolution 71/167 of 19 December 2016, in which the Assembly reiterated its strong condemnation of trafficking in persons, especially women and children, which constitutes a serious crime and a grave offence to human dignity and physical integrity, a violation and abuse of human rights and a challenge to sustainable development,

Recalling all relevant United Nations resolutions, and taking note of recent special meetings on trafficking in persons held by the main organs of the United Nations with a mandate relating to trafficking in persons that addressed various aspects of the crime,

Emphasizing the central role of the work of the United Nations Office on Drugs and Crime in the global fight against trafficking in persons, in particular in providing technical assistance to Member States, at their request, to implement the United Nations Convention against Transnational Organized Crime[1] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[2] including by making use of existing capacity-building tools, lessons learned from Member States and expertise available in other international organizations,

Reiterating the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[3] and also recalling the targets of the Sustainable Development Goals on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[2] Ibid., vol. 2237, No. 39574.
[3] General Assembly resolution 70/1.

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exploitation,[4] on taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms,[5] and on ending abuse and exploitation of, trafficking in and all forms of violence against and torture of children,[6]

Recognizing that the spread of information and communications technologies and global interconnectedness have great potential to accelerate human progress, to bridge the digital divide and to develop knowledge societies, as does scientific and technological innovation across diverse areas,

Acknowledging that access to information and communications technologies, in particular digital and networked technologies, as well as digital skills, can be key indicators of development and are relevant to the achievement of the Sustainable Development Goals,

Welcoming the adoption, at the high-level meeting of the General Assembly held at United Nations Headquarters on 27 and 28 September 2017, of the political declaration on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons,[7] in which Member States, inter alia, noted with concern the criminal misuse of information and communications technologies, in particular the Internet, to facilitate trafficking in persons and emphasized the importance of countering such use while respecting human rights and fundamental freedoms, including the right to privacy, in compliance with other obligations under international law,

Recognizing that traffickers are taking advantage of information and communications technologies to reach larger audiences and to carry out criminal activities more quickly and efficiently,

Aware that, in the facilitation of trafficking in persons, criminals use a variety of online resources, including various online open and classified advertisement and adult sites, social networks and other available technological means such as the darknet to obscure online communications,

Aware also that information and communications technologies have been criminally misused to facilitate various aspects of trafficking in persons, including advertisement, recruitment, movement, harbouring and financial transactions, and the various forms of exploitation, including trafficking for the purposes of sexual exploitation, forced labour or the removal of organs, as well as forced marriage, the sexual exploitation of children in travel and tourism and the production and distribution of child sexual abuse material,

Concerned that the online resources used for the facilitation of trafficking in persons can be accessed through mobile applications and smartphones, which are particularly popular among children and adolescents, thereby making them potentially vulnerable to trafficking in persons,

Noting with concern the criminal misuse by terrorist groups of information and communications technologies to facilitate trafficking in persons, in particular the sale and trade of persons, and emphasizing the importance of countering such criminal activities as part of counter-terrorism efforts while respecting human rights and fundamental freedoms and in compliance with other obligations under international law,

Recognizing the potential of the Internet and other information and communications technologies to facilitate efforts to prevent and combat trafficking in persons and to assist victims, and stressing the need for increased law enforcement

[4] Target 5.2 of the Sustainable Development Goals.
[5] Target 8.7 of the Sustainable Development Goals.
[6] Target 16.2 of the Sustainable Development Goals.
[7] General Assembly resolution 72/1.

cooperation in this regard to address the new challenges generated by the rapid development of the Internet and other information and communications technologies,

Recalling article 27, paragraph 3, of the Organized Crime Convention, which requires States parties to endeavour to cooperate within their means in order to respond to transnational organized crime committed through the use of modern technology,

Conscious of the challenges faced by Member States, in particular developing countries, in preventing and combating the criminal misuse of information and communications technologies, including for trafficking in persons, and emphasizing the need to continue international cooperation in this regard and to reinforce technical assistance and capacity-building activities, at the request of Member States, for the prevention, prosecution and punishment of such criminal misuse, in accordance with national and international law,

Underlining the importance of education on the safe and secure use of information and communications technologies as a means of prevention, in particular among women, children and other vulnerable members of society, with a view to reducing the risk factors for trafficking in persons,

Taking note of the *Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children* by the United Nations Office on Drugs and Crime,

Noting the importance of continuing intergovernmental dialogue on trafficking in persons facilitated by the criminal misuse of information and communications technologies, including, where relevant and within their mandates, in the context of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime and of the Working Group on Trafficking in Persons of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

1. *Urges* Member States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime[1] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[2] taking into consideration the central role of those instruments in the fight against trafficking in persons, and urges States parties to those instruments to implement them fully and effectively;

2. *Calls upon* Member States to take into consideration and adapt to technological advancements and new methods for the recruiting and advertising of victims of trafficking in persons, such as the criminal misuse of the Internet by perpetrators of trafficking in persons to recruit people, and to take measures to develop targeted awareness-raising campaigns, including for law enforcement agencies, front-line service providers and at-risk industries to identify the signs of trafficking in persons, and to develop specialized training for law enforcement officers and criminal justice practitioners;

3. *Also calls upon* Member States to develop effective responses to trafficking in persons facilitated by the criminal misuse of information and communications technologies that are adaptable to constant change in such technologies and that take into account both the protection of individual freedoms and privacy and the preservation of the capacity of States to fight trafficking in persons;

4. *Underlines* the importance for Member States to develop effective cooperation between their law enforcement authorities and Internet service providers, including those that provide content and access within their jurisdictions, in order to prevent and combat trafficking in persons facilitated by the criminal misuse of information and communications technologies;

5. *Encourages* Member States to cooperate with businesses to identify and address trafficking-related risks in their supply chains for goods and services and in

efforts to prevent and combat trafficking in persons, including by leveraging technology;

6. *Urges* Member States to prevent and combat trafficking in persons by terrorist groups that is facilitated by the criminal misuse of information and communications technologies;

7. *Encourages* Member States to cooperate with civil society organizations in preventing and combating trafficking in persons facilitated by the criminal misuse of information and communications technologies, including through awareness-raising campaigns and by identifying and assisting victims of trafficking in persons;

8. *Also encourages* Member States to cooperate with the academic and research communities to explore the impact of information and communications technologies on trafficking in persons, including how such technologies can be utilized to prevent and combat trafficking in persons in its various forms and to assist victims of trafficking, and how the criminal misuse of such technologies can facilitate trafficking in persons;

9. *Requests* the United Nations Office on Drugs and Crime to continue providing, within its existing mandate, technical assistance and training to Member States, in particular developing countries, at their request, to improve and build capacities to prevent and combat trafficking in persons that is facilitated by the criminal misuse of information and communications technologies, and to utilize technology to prevent and address such trafficking;

10. *Also requests* the United Nations Office on Drugs and Crime, as a coordinator of the Inter-Agency Coordination Group against Trafficking in Persons, to invite the Group to discuss the issue of the criminal misuse of information and communications technologies to facilitate trafficking in persons at one of its meetings;

11. *Invites* States parties to the Organized Crime Convention to consider including the topic of preventing and combating trafficking in persons facilitated by the criminal misuse of information and communications technologies in their deliberations in the context of the Conference of the Parties to the Convention and its Working Group on Trafficking in Persons;

12. *Invites* the Secretary-General to include a section on the implementation of the present resolution within the existing reporting obligations to the General Assembly under the item on crime prevention and criminal justice;

13. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.

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Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice

Andorra, France, Philippines, Romania and San Marino: revised draft resolution

Improving the protection of children against trafficking in persons, including by addressing the criminal misuse of information and communications technologies

The Commission on Crime Prevention and Criminal Justice,

Reaffirming the importance of the implementation by States parties of the United Nations Convention against Transnational Organized Crime,[1] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[2] and the Protocol against the Smuggling of Migrants by Land, Sea or Air, supplementing the United Nations Convention against Transnational Organized Crime,[3]

Reaffirming also the importance of the implementation by States parties of the Convention on the Rights of the Child[4] and the Convention on the Elimination of All Forms of Discrimination against Women,[5] and recognizing the relevance of those instruments to the protection of children against trafficking in persons,

Recalling the political declaration on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, adopted by the General Assembly in its resolution 72/1 of 27 September 2017, in which Member States expressed their serious concern over the increase in the number of women and children being trafficked, recognized that trafficking in persons disproportionately affected women and children and called upon Member States to establish comprehensive policies, programmes and other measures to protect trafficked women and children from revictimization and to provide appropriate assistance and protection in the best

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[2] Ibid., vol. 2237, No. 39574.
[3] Ibid., vol. 2241, No. 39574.
[4] Ibid., vol. 1577, No. 27531.
[5] Ibid., vol. 1249, No. 20378.

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interest of the child, and recalling also Assembly resolution 71/209 of 19 December 2016, entitled "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity", in which the Assembly reaffirmed that the United Nations Convention against Transnational Organized Crime and the Protocols thereto[6] represented the most important tools of the international community for fighting transnational organized crime,

Reaffirming General Assembly resolutions 67/190 of 20 December 2012, 68/192 of 18 December 2013, 70/179 of 17 December 2015 and 72/195 of 19 December 2017, entitled "Improving the coordination of efforts against trafficking in persons", in which the Assembly called upon Member States to continue their efforts to criminalize trafficking in persons in all its forms and prosecute and penalize traffickers and intermediaries while providing protection and assistance to the victims of trafficking, with full respect for their human rights, and invited Member States to continue to support those United Nations agencies and international organizations that were actively involved in victim protection,

Taking note of General Assembly resolution 69/194 of 18 December 2014, entitled "United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice", in which the Assembly encouraged Member States, where appropriate, to strengthen multisectoral coordination among all relevant government agencies in order to better prevent, identify and respond to the multidimensional nature of violence against children and ensure that criminal justice and other relevant professionals were adequately trained to deal with children,

Recalling General Assembly resolution 67/190, in which the Assembly recalled Commission on Crime Prevention and Criminal Justice resolution 20/3 of 15 April 2011, entitled "Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons",

Noting existing national and international initiatives dedicated to action to end trafficking in children and the sexual exploitation of children online,

Noting the Education for Justice initiative of the United Nations Office on Drugs and Crime and its relevance to preventing and combating trafficking in children, including when facilitated by the criminal misuse of information and communications technologies,

Expressing concern that the criminal misuse of information and communications technologies makes it possible for criminals to commit illegal activities such as the recruitment, control and harbouring of children subjected to trafficking in persons and the advertising of the trafficking in such children, as well as the construction of false identities that enables the abuse and/or exploitation of children, grooming and the creation of live-streamed or other child abuse materials,

Recalling the definition of trafficking in persons established by article 3 (a) of the Trafficking in Persons Protocol as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation",

Noting the importance of intergovernmental dialogue in effectively preventing and combating the criminal misuse of information and communications technologies, including in relation to trafficking in persons, including, as appropriate and within their existing mandates, in the context of the Expert Group to Conduct a Comprehensive Study on Cybercrime and the Working Group on Trafficking in

[6] Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

Persons of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

Acknowledging the importance of the ongoing efforts of the United Nations Office on Drugs and Crime, within its existing mandate, to support Member States, upon request, in strengthening capacities to combat trafficking in children, including when facilitated by the criminal misuse of information and communications technologies,

1. *Calls upon* Member States to strengthen their efforts to protect children from all forms of trafficking in persons, including when facilitated by the criminal misuse of information and communications technologies;

2. *Encourages* Member States to implement comprehensive measures to prevent children from being exposed to the risk of trafficking in persons, including when facilitated by the criminal misuse of information and communications technologies, and to assist children who have been victims of trafficking in persons by providing them with information and protection, including effective reintegration programmes;

3. *Also encourages* Member States to take, consistent with domestic law, legislative or other measures, where appropriate, to facilitate the detection, by Internet service and access providers or other relevant entities, of child sexual exploitation and child abuse materials related to offences involving trafficking in children, as required by domestic frameworks and to ensure, in compliance with domestic law, the reporting of such materials to the relevant authorities and their removal by Internet service and access providers or other relevant entities, including in conjunction with law enforcement in the investigation and prosecution;

4. *Further encourages* Member States to further enhance international and regional cooperation in combating trafficking in persons and to consider appointing, where it has not been done so, national governmental focal points who could facilitate informal networks at the regional level to enable the exchange of best practices to address trafficking in persons, in particular trafficking in children, including when facilitated by the criminal misuse of information and communications technologies;

5. *Encourages* Member States, in accordance with domestic legal frameworks and applicable international obligations, to develop and implement a comprehensive strategy to provide protection and assistance to victims of trafficking in children, including a possible referral mechanism, where applicable, that takes into account the special needs of children, in close cooperation with relevant civil society organizations, where appropriate, and to facilitate a possible transnational mechanism to ensure the safe return and reintegration of identified victims;

6. *Also encourages* Member States to enhance training for all relevant officials, as appropriate, on preventing and combating all forms of trafficking in children, including when facilitated by the criminal misuse of information and communications technologies;

7. *Invites* Member States and other donors to provide, on a voluntary basis, extrabudgetary resources for the implementation of the present resolution, in accordance with the rules and procedures of the United Nations.